

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DURST PYRAMID LLC and HUNTER
ROBERTS CONSTRUCTION GROUP,
L.L.C.,

Plaintiffs,

vs.

HARLEYSVILLE INSURANCE COMPANY
OF NEW YORK, HARLEYSVILLE
WORCESTER INSURANCE COMPANY and
FRED GELLER ELECTRICAL, INC.,

Defendants.

CIVIL ACTION NO. 1:18-cv-00915(AJN)
(GWG)

ELECTRONICALLY FILED

**DECLARATION OF BROOKS H.
LEONARD, ESQ. IN SUPPORT OF
MOTION TO DISMISS**

I, BROOKS H. LEONARD ESQ., pursuant to 28 U.S.C. § 1746 hereby declare as follows:

1. I am an attorney duly admitted to practice before this Court and am an associate with the firm Riker, Danzig, Scherer, Hyland & Perretti LLP, attorneys for defendants Harleysville Insurance Company of New York (“HICNY”) and Harleysville Worcester Insurance Company (“HWIC”) (collectively “Harleysville”). As such, I am fully familiar with the facts and circumstances set forth herein.

2. I submit this Declaration in support of Harleysville’s motion to dismiss the instant complaint pursuant to Fed. R. Civ. P. 12(b)(6).

3. Attached hereto as **Exhibit A** is a true and correct copy of the summons and complaint for the underlying personal injury action filed in New York State Supreme Court, New York County, under index no. 161426/2015 (the “Underlying Action”) and obtained by the undersigned from the New York State Courts Electronic Filing system.

4. Attached hereto as **Exhibit B** is a true and correct copy of the notice of impleader and third-party summons and complaint filed in the Underlying Action and obtained by the undersigned from the New York State Courts Electronic Filing system.

5. Appended hereto as **Exhibit C** is a true and correct copy of the summons and verified complaint filed in the instant declaratory judgment action in New York State Supreme Court, New York County, under index no. 657436/2017.

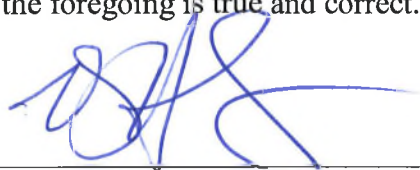
6. Appended hereto as **Exhibit D** are true and correct excerpts of a certified copy of policy number MPA00000063596R, issued by HICNY to Fred Geller Electrical, Inc. ("Geller") for the policy period of October 1, 2014 to October 1, 2015.

7. Appended hereto as **Exhibit E** are true and correct excerpts of a certified copy of policy number CMB00000063594R, issued by HWIC to Geller for the policy period of October 1, 2014 to October 1, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Morristown, New Jersey
February 8, 2018

By:



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